

Exhibit 4

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CASE NO: 1:20-cv-05589-GBD-DCF

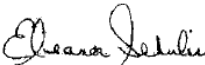
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BRIAN JOSEPH GREF,)
Plaintiff)
)
-versus-)
)
AMERICAN INTERNATIONAL INDUSTRIES, individually and)
as successor-in-interest for the CLUBMAN BRAND, and)
To THE NESLEMUR COMPANY and PINAUD COMPANY, et al.,)
Defendants.)
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TRANSCRIPT of the Virtual Videotaped
Deposition of the witness, JACQUELINE MOLINE, MD,
taken by Defendant, called for Oral Examination in
the above-captioned matter, said deposition being
taken pursuant to Federal Rules of Civil Procedure
by and before, ELEANOR SEKULIC, a Notary Public on
Wednesday, July 6, 2022, commencing at 11:16 a.m.

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| <p style="text-align: right;">Page 138</p> <p>1 Jacqueline Moline, MD - Direct</p> <p>2 Q. Okay. The rest of it is the title of paper.</p> <p>3 Is that what I left out?</p> <p>4 MR. DIMUZIO: Objection to form.</p> <p>5 A. And when it was published and where it was</p> <p>6 published, but, yes.</p> <p>7 Q. Okay.</p> <p>8 So let's go through the steps real quick, if</p> <p>9 we can. The first step is, was the person exposed</p> <p>10 to a toxin? And, for you, the toxin would be</p> <p>11 whatever the carcinogenic agent would be, right?</p> <p>12 A. Correct.</p> <p>13 Q. And --</p> <p>14 A. Or -- no, it doesn't have to be -- it doesn't</p> <p>15 have to be carcinogen. It's a toxin. Someone could</p> <p>16 develop liver fibrosis if they're exposed to a toxic</p> <p>17 agent. So it doesn't say carcinogen anywhere there.</p> <p>18 Q. So it doesn't need to be a carcinogen to be</p> <p>19 here? Or no? When we're talking about Mr. Gref and</p> <p>20 your opinion in this case, does it have to be a</p> <p>21 carcinogen?</p> <p>22 MR. DIMUZIO: Objection. Form.</p> <p>23 Vague and ambiguous.</p> <p>24 A. Well, in this particular instance I'm talking</p> <p>25 about asbestos, which is a carcinogen. But my point</p> | <p style="text-align: right;">Page 140</p> <p>1 Jacqueline Moline, MD - Direct</p> <p>2 A. Correct.</p> <p>3 Q. You indicate that there's no dispute in the</p> <p>4 medical literature but you don't cite any particular</p> <p>5 medical literature. Is there any particular medical</p> <p>6 literature that you would cite with respect to</p> <p>7 peritoneal mesothelioma?</p> <p>8 A. I mean, I talked about Kradin, I talked about</p> <p>9 the Welch paper. I can point you to occupational</p> <p>10 medicine textbooks by Rohm and others. And it's</p> <p>11 widely accepted in the occupational and</p> <p>12 environmental literature that mesothelioma, both</p> <p>13 peritoneal and pleura, as well as in CDC documents</p> <p>14 and -- it's just widely accepted.</p> <p>15 Q. All right.</p> <p>16 Number 3, was the person exposed to the toxin</p> <p>17 at a level where the injury has occurred in other</p> <p>18 settings? And then you mention that there's</p> <p>19 analogous exposure scenarios, your phrase. And then</p> <p>20 you reference Footnote 2 on the bottom of 21. Let</p> <p>21 me get to it. That references a number of different</p> <p>22 articles and studies. Do you see that on the bottom</p> <p>23 of Page 21?</p> <p>24 A. Yes.</p> <p>25 Q. And that's what you're talking about, those</p> |
| <p style="text-align: right;">Page 139</p> <p>1 Jacqueline Moline, MD - Direct</p> <p>2 is, this is a methodology that can be used for</p> <p>3 non-carcinogenic toxins or toxicants as well. And</p> <p>4 it doesn't say was the individual exposed to a</p> <p>5 carcinogen? It says were they exposed to a toxic</p> <p>6 agent? Not all toxicities are cancers. That was my</p> <p>7 point.</p> <p>8 Q. Okay.</p> <p>9 A. You were inferring something that is not</p> <p>10 stated in the words on the page.</p> <p>11 Q. I just wanted to know if you believe that in</p> <p>12 order to be a toxin, for purposes of this case, it</p> <p>13 has to be carcinogenic?</p> <p>14 MR. DIMUZIO: Objection. Form.</p> <p>15 Vague and ambiguous. And asked and answered.</p> <p>16 A. For the purpose of this case, we're talking</p> <p>17 about asbestos in mesothelioma. Mesothelioma is a</p> <p>18 cancer. So, in this particular instance, the toxin</p> <p>19 has to be carcinogenic but it doesn't imply that</p> <p>20 this methodology can only be used for a carcinogen.</p> <p>21 Q. All right.</p> <p>22 Step 2, does the toxin cause the disease that</p> <p>23 the person has? And then the cancer that the person</p> <p>24 has in this instance is peritoneal mesothelioma; is</p> <p>25 that right?</p> | <p style="text-align: right;">Page 141</p> <p>1 Jacqueline Moline, MD - Direct</p> <p>2 references in Footnote 2 that are "analogous</p> <p>3 exposure scenarios"?</p> <p>4 A. With respect to talc, yes.</p> <p>5 Q. All right.</p> <p>6 So, for any of those listed, and you have</p> <p>7 there -- first of all, "recently" -- you say in the</p> <p>8 body of Page 21, "As described above and recently</p> <p>9 referenced by the Centers For Disease Control, as</p> <p>10 well as the published -- as well as published in</p> <p>11 peer reviewed literature." "Referenced by the</p> <p>12 Centers for Disease Control," what's that reference</p> <p>13 to? Is that the 2017 Mazurek?</p> <p>14 A. Yes.</p> <p>15 Q. That is, okay.</p> <p>16 So, and then, in Footnote 2 there you mention</p> <p>17 '94 Andron, A-N-D-R-I-O-N, a number of different --</p> <p>18 the 1992 Bulbulyan, B-U-L-B-U-L-Y-A-N, 2012</p> <p>19 Finkelstein, 2001 Ghio, G-H-I-O, the 2005 Fujiwara,</p> <p>20 F-U-J-I-W-A-R-A, 2015 Ilgren, 1988 Lamb, 2017</p> <p>21 Mirabelli, M-I-R-A-B-E-L-L-I, the 2009 Musti,</p> <p>22 M-U-S-T-I, 2020 Dr. Moline, and 2020 Emory. Those</p> <p>23 you're saying are analogous exposure scenarios,</p> <p>24 right?</p> <p>25 MR. DIMUZIO: Objection. Form.</p> |

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| <p style="text-align: right;">Page 142</p> <p>1 Jacqueline Moline, MD - Direct</p> <p>2 A. In the sense that they were mesotheliomas</p> <p>3 which arose after exposure to talc.</p> <p>4 Q. Okay.</p> <p>5 Which one of those are, if we can just narrow</p> <p>6 it down, are peritoneal mesotheliomas?</p> <p>7 A. Well, Andrión says it in the title. I don't</p> <p>8 remember whether Bulbulyan was pleural or</p> <p>9 peritoneal. The pleurodesis was talking about</p> <p>10 pleural effusions. Fujiwara is talking about</p> <p>11 pericardial. I don't think Ilgren specified. Lamb,</p> <p>12 I believe it was a pleural. Mirabelli, I believe it</p> <p>13 was a pleural. Musti, I believe it was a</p> <p>14 peritoneal, in the paper that I cited, it was both</p> <p>15 pleural and peritoneal, as was Emory both pleural</p> <p>16 and peritoneal.</p> <p>17 Q. All right.</p> <p>18 The Andrión was a case report based on a</p> <p>19 mother's description to the author, right, a single</p> <p>20 case?</p> <p>21 A. Correct.</p> <p>22 Q. And we don't have any information as to the</p> <p>23 type of product he says he used, or the mother says</p> <p>24 he used?</p> <p>25 A. Correct.</p> | <p style="text-align: right;">Page 144</p> <p>1 Jacqueline Moline, MD - Direct</p> <p>2 at to compare their lifetime cumulative asbestos</p> <p>3 exposure from all sources of any the individuals</p> <p>4 that you reported on in your article, right?</p> <p>5 MR. DIMUZIO: Objection. Form.</p> <p>6 And asked and answered.</p> <p>7 A. There's the number of years that they used</p> <p>8 talcum powders. That's it.</p> <p>9 Q. That's not what I'm asking. I'm trying to</p> <p>10 understand if we know if they are -- if we have</p> <p>11 information that we can look at to show what else</p> <p>12 they could have -- I'm sorry -- what actual asbestos</p> <p>13 exposures they could have had during their lifetime</p> <p>14 if they had asbestos-related cancers?</p> <p>15 A. There's nothing specified in my paper or in</p> <p>16 Emory's that would allow you to do that.</p> <p>17 Q. And there's nothing in either of those two</p> <p>18 papers that would allow us to compare and contrast</p> <p>19 what Mr. Gref says or claims he used versus what any</p> <p>20 of the individuals that are summarized in either of</p> <p>21 your two articles or reports, right, there's nothing</p> <p>22 that we can look at to compare exposure claims?</p> <p>23 MR. DIMUZIO: Objection. Form.</p> <p>24 A. You could look at the different -- the years</p> <p>25 of use, and you could look at the latency, and you</p> |
| <p style="text-align: right;">Page 143</p> <p>1 Jacqueline Moline, MD - Direct</p> <p>2 Q. And there's no specific cumulative dose or</p> <p>3 product specific dose as to the particular</p> <p>4 individual in the Andrión study?</p> <p>5 A. Correct.</p> <p>6 Q. And the same would go for Musti, there's no</p> <p>7 particular cumulative dose specified or product</p> <p>8 specific dose or information about a product that we</p> <p>9 could investigate or look into, right?</p> <p>10 MR. DIMUZIO: Objection. Form.</p> <p>11 A. Not that I'm aware.</p> <p>12 Q. And with respect to your case series and Dr.</p> <p>13 Emory's case series, is there anything that you can</p> <p>14 provide us with that would allow us to compare</p> <p>15 either the cumulative doses of those individuals for</p> <p>16 their lifetime for all sources or any product</p> <p>17 specific dose for any of those individuals?</p> <p>18 MR. DIMUZIO: Objection. Form.</p> <p>19 A. In would be in the paper I wrote, it just has</p> <p>20 the number of years of exposure and the different</p> <p>21 products they used. In terms of Emory, I don't</p> <p>22 remember if they specified the products.</p> <p>23 Q. I'm sorry. Were you finished? I'm sorry.</p> <p>24 A. Yes.</p> <p>25 Q. But there's no specific data that we can look</p> | <p style="text-align: right;">Page 145</p> <p>1 Jacqueline Moline, MD - Direct</p> <p>2 could look at the location and the different brands</p> <p>3 in my paper. I can't speak to Emory.</p> <p>4 Q. Well, we can't look at anything that would</p> <p>5 estimate or attempt to estimate the alleged product</p> <p>6 contents or the dose of any particular individual</p> <p>7 and then compare it against Mr. Gref, right?</p> <p>8 MR. DIMUZIO: Objection. Form.</p> <p>9 A. That wasn't the purpose of the paper. I don't</p> <p>10 know how you would do that. I don't know how you do</p> <p>11 that in any paper, actually.</p> <p>12 Q. Okay.</p> <p>13 So step four is whether other explanations for</p> <p>14 the condition have been excluded. Why is that step</p> <p>15 important?</p> <p>16 A. Again, because this was a general causation,</p> <p>17 you look to see if there could be other reasons that</p> <p>18 someone has the disease. And because -- they were</p> <p>19 duplicative or super additive, or there could have</p> <p>20 been another reason why they had a particular</p> <p>21 disease in general. And so, you look at that in the</p> <p>22 same way that you look at someone with heart</p> <p>23 disease. You would say do they have diabetes and</p> <p>24 hypertension? They could both contribute.</p> <p>25 Q. So, when you asked yourself that question, if</p> |

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| <p style="text-align: right;">Page 202</p> <p>1 Jacqueline Moline, MD - Cross</p> <p>2 Q. Well, you mainly read and rely upon Dr.</p> <p>3 Longo's testing and his reports, correct?</p> <p>4 A. No, I wouldn't say that. I rely on Dr.</p> <p>5 Compton's reports, as well as others.</p> <p>6 Q. I understand. But you rely on -- you rely on</p> <p>7 both Dr. Compton and Dr. Longo's reports as</p> <p>8 presented to you by Plaintiff's counsel, right?</p> <p>9 MR. DIMUZIO: Objection to form.</p> <p>10 Asked and answered.</p> <p>11 A. I have relied on both of their reports, yes.</p> <p>12 Q. And if --</p> <p>13 MR. DIMUZIO: Counsel, it's 4:59.</p> <p>14 I think Dr. Moline has got to go. We can make some</p> <p>15 statements about reserving rights and that sort of</p> <p>16 thing. But I think it's about time for the depo to</p> <p>17 end, given her time commitment.</p> <p>18 MR. THACKSTON: Well, let me just</p> <p>19 ask one last question.</p> <p>20 Q. If you assume for me Dr. Compton said he found</p> <p>21 anthophyllite in those six samples and Dr. Longo</p> <p>22 says there are no amphiboles in those six samples,</p> <p>23 who do you rely on?</p> <p>24 MR. DIMUZIO: Objection. Form.</p> <p>25 Incomplete hypothetical. Lack of foundation.</p> | <p style="text-align: right;">Page 204</p> <p>1</p> <p>2 A C K N O W L E D G E M E N T</p> <p>3 STATE OF</p> <p>4 COUNTY OF</p> <p>5</p> <p>6 I, the undersigned, hereby certify that</p> <p>7 I have read the transcript of my testimony taken</p> <p>8 under oath in my deposition; that the transcript is</p> <p>9 a true and complete and correct record of my</p> <p>10 testimony, and that the answers on the record as</p> <p>11 given by me are true and correct.</p> <p>12</p> <p>13 _____</p> <p>14 JACQUELINE MOLINE, MD</p> <p>15</p> <p>16 Signed and subscribed to and before me</p> <p>17 This _____ day of _____, 2022</p> <p>18</p> <p>19 _____</p> <p>20 NOTARY PUBLIC</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
| <p style="text-align: right;">Page 203</p> <p>1 Jacqueline Moline, MD - Cross</p> <p>2 A. Again, I'm going to have to look at both of</p> <p>3 the reports and probably have a discussion with them</p> <p>4 to figure out why there's a discrepancy.</p> <p>5 Q. Okay.</p> <p>6 Doctor, we certainly hold open the deposition</p> <p>7 to continue it at another time. Thank you very much</p> <p>8 for your time today.</p> <p>9 THE VIDEOGRAPHER: We are off the</p> <p>10 record at 5 p.m., and this concludes today's</p> <p>11 testimony given by Dr. Jacqueline Moline. The total</p> <p>12 number of media units used is five and will be</p> <p>13 retained by Priority-One, a Veritext company.</p> <p>14 Thanks everybody.</p> <p>15 (Deposition Adjourned.</p> <p>16 Time Noted: 5:00 p.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p style="text-align: right;">Page 205</p> <p>1</p> <p>2 C E R T I F I C A T E</p> <p>3 STATE OF NEW YORK)</p> <p>4 COUNTY OF NEW YORK)</p> <p>5</p> <p>6 I, ELEANOR SEKULIC, a Notary Public of the</p> <p>7 State of New York, do hereby certify that the</p> <p>8 foregoing deposition of JACQUELINE MOLINE, MD was</p> <p>9 taken by and before me on July 6, 2022.</p> <p>10 The said witness was duly sworn before the</p> <p>11 commencement of her testimony, the said testimony</p> <p>12 was taken stenographically by myself and then</p> <p>13 transcribed. The within transcript is a true record</p> <p>14 of the said deposition.</p> <p>15 I am not connected by blood or marriage with</p> <p>16 any of the said parties, nor interested directly or</p> <p>17 indirectly in the matter in controversy, nor am I in</p> <p>18 the employ of any of the Counsel.</p> <p>19</p> <p>20 DATED: _____</p> <p>21 </p> <p>22 _____</p> <p>23 ELEANOR SEKULIC</p> <p>24</p> <p>25</p> |